

AMENDED IN SENATE APRIL 6, 1999

**SENATE BILL**

**No. 645**

**Introduced by Senator Burton and Assembly Member  
Villaraigosa**

February 24, 1999

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An act to amend Section 3583 of, *and to add Section 3584 to*, the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 645, as amended, Burton. Higher education labor relations.

~~(1) Existing~~

*Existing* law contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, as defined to include the University of California and the California State University. These provisions provide that these employees have the right to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of labor relations. Existing law limits the permissible forms of organizational security for those employees to an arrangement pursuant to which an employee may decide whether or not to join the recognized or certified employee organization, but which requires the employer to deduct from the wages or salary of the employee who does join, and pay to the employee organization representing that employee, the fees, dues, or assessments of the organization.

*This bill would provide that, for the University of California, organizational security includes an arrangement that requires an employee of the university to either join the employee organization or to pay the organization a fair share service fee. The bill would provide that this form of organizational security is subject to rescission, as specified, on and after January 1, 2004.*

*The bill would establish a procedure for employees to petition for rescission of this form of organizational security, would provide that the cost of conducting the rescission election would be borne by the petitioning party, and would provide the petitioning party with the choice of a campus worksite election or a mail ballot election in accordance with rules and regulations adopted by the Public Employment Relations Board. If the organizational security arrangement is rescinded, the bill would establish a similar procedure for reinstatement of the arrangement.*

*The bill would provide for a procedure under which an employee of the University of California who is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations would not be required to join, but would instead be required to pay a sum equal to the dues or fees of the employee organization to a nonreligious, nonlabor charitable fund, as prescribed.*

*The bill would require every recognized or certified employee organization that has agreed to an agency shop provision to keep an adequate itemized record of its financial transactions, and to make available an annual detailed report of those transactions, as specified.*

*This bill would make various technical, nonsubstantive changes to the law relating to higher education labor relations.*

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3583 of the Government Code is  
2 amended to read:



1 3583. (a) Permissible forms of organizational  
2 security shall be limited to ~~an~~ *either of the following*:

3 (1) *An arrangement pursuant to which an employee*  
4 *may decide whether or not to join the recognized or*  
5 *certified employee organization, but which requires the*  
6 *employer to deduct from the wages or salary of any*  
7 *employee who does join, and pay to the employee*  
8 *organization which is the exclusive representative of that*  
9 *employee, the standard initiation fee, periodic dues, and*  
10 *general assessments of the organization for the duration*  
11 *of the written memorandum of understanding. This*  
12 *arrangement shall not deprive the employee of the right*  
13 *to resign from the employee organization within a period*  
14 *of 30 days prior to the expiration of a written*  
15 *memorandum of understanding.*

16 (2) *For the University of California, an arrangement*  
17 *that requires an employee of the university to either join*  
18 *the recognized or certified employee organization or to*  
19 *pay the organization a fair share service fee in accordance*  
20 *with Section 3584.*

21 (b) (1) *The organizational security arrangement*  
22 *described in paragraph (2) of subdivision (a) may be*  
23 *rescinded, effective no sooner than January 1, 2004, by a*  
24 *majority vote of all the employees in the negotiating unit*  
25 *subject to that arrangement, if a request for a vote is*  
26 *supported by a petition containing the signatures of at*  
27 *least 30 percent of the employees in the negotiating unit,*  
28 *and the vote is by secret ballot. The vote may be taken at*  
29 *any time on or after January 1, 2004. There shall not be*  
30 *more than one vote taken during the term of any*  
31 *memorandum of understanding in effect on or after*  
32 *January 1, 2004.*

33 (2) *If the organizational security arrangement*  
34 *described in paragraph (1) is rescinded, a majority of all*  
35 *the employees in the negotiating unit may request that*  
36 *the arrangement be reinstated. That request shall be*  
37 *submitted to the board along with a petition containing*  
38 *the signatures of at least 30 percent of the employees in*  
39 *the negotiating unit. The vote shall be by secret ballot and*  
40 *shall be conducted no sooner than one year after the*

1 rescission of the organizational security arrangement  
2 under this subdivision.

3 (3) If the board determines that the appropriate  
4 number of signatures have been collected, it shall  
5 conduct the vote to rescind or reinstate in a manner that  
6 it shall prescribe.

7 (4) The cost of conducting the election to rescind or  
8 reinstate the organizational security arrangement shall  
9 be borne by the petitioning party. The petitioning party  
10 shall have the choice of a campus worksite election or a  
11 mail ballot election in accordance with rules and  
12 regulations adopted by the board.

13 SEC. 2. Section 3584 is added to the Government  
14 Code, to read:

15 3584. (a) Notwithstanding any other provision of  
16 law, any employee of the University of California who is  
17 in a unit for which an exclusive representative has been  
18 selected pursuant to this chapter shall be required, as a  
19 condition of continued employment, either to join the  
20 recognized employee organization or to pay the  
21 organization a fair share service fee in an amount not to  
22 exceed the dues that are payable by members of the  
23 employee organization to cover the cost of negotiation,  
24 contract administration, and other activities of the  
25 employee organization that are germane to its functions  
26 as the exclusive bargaining representative.

27 (b) Notwithstanding subdivision (a), an employee of  
28 the University of California who is a member of a bona  
29 fide religion, body, or sect that has historically held  
30 conscientious objections to joining or financially  
31 supporting public employee organizations shall not be  
32 required to join or financially support any public  
33 employee organization as a condition of employment. An  
34 employee to which this paragraph is applicable may be  
35 required, in lieu of periodic dues, initiation fees, or  
36 agency shop fees, to pay sums equal to these dues,  
37 initiation fees, or agency shop fees to a nonreligious,  
38 nonlabor charitable fund exempt from taxation under  
39 Section 501(c)(3) of the Internal Revenue Code, chosen  
40 by the employee from a list of at least three of these funds

1 designated by the employer and the exclusive  
2 representative or, if the employer and exclusive  
3 representative fail to designate funds, chosen by the  
4 employee. Proof of these payments shall be made on a  
5 monthly basis to the employer as a condition of continued  
6 exemption from the requirement of financial support of  
7 the exclusive representative.

8 (c) Every recognized or certified employee  
9 organization that has agreed to an agency shop provision  
10 under this section shall keep an adequate itemized record  
11 of its financial transactions, and shall make available  
12 annually, to the employer and to the employees who are  
13 members of the organization, within 60 days after the end  
14 of its fiscal year, a detailed written financial report  
15 thereof in the form of a balance sheet and an operating  
16 statement, certified as to accuracy by the president and  
17 treasurer or comparable officers. An employee  
18 organization required to file financial reports under the  
19 federal Labor-Management Disclosure Act of 1959 (29  
20 U.S.C. Sec. 401 et seq.) covering employees governed  
21 under this chapter, or required to file financial reports  
22 under Section 3546.5, may satisfy the financial reporting  
23 requirements of this section by providing the employer  
24 with a copy of those financial reports.